


Wanda Rivera/R1/USEPA/US
07/02/2009 04:15 PM

To Jeff Kopf/R1/USEPA/US@EPA
cc
bcc
Subject Re: Downeast Energy -- public comments? 

No comments received.

You're welcome,

Wanda I. Rivera
Paralegal / Regional Hearing Clerk
EPA Region I
Suite 1100 (RAA)
Boston, MA 02114
(617) 918-1113
Jeff Kopf/R1/USEPA/US

Jeff Kopf/R1/USEPA/US
07/02/2009 02:40 PM

To Wanda Rivera/R1/USEPA/US@EPA
cc
Subject Downeast Energy -- public comments?

Did you receive any public comments on?

In the Matter of: Downeast Energy Corp.. Docket No. CWA-01-2009-0054

thanks--

Jeff Kopf, Senior Enforcement Counsel
US EPA Region 1
1 Congress St.
Suite 1100 (SEL)
Boston, MA 02114-2023
Tel: (617) 918-1796
Fax: (617) 918-0796
kopf.jeff@epa.gov



"Steve Hall"
<shall@downeastenergy.com>

05/28/2009 11:07 AM


To Jeff Kopf/R1/USEPA/US@EPA

cc

bcc

Subject RE: Downeast Energy settlement documents

History:

 This message has been replied to.

Jeff,

Here's the info you wanted on storage capacities for the seven locations

1. Springvale - 145,000
2. Windham - 80,000
3. Kennebunk - 250,000
4. Biddeford - 80,000
5. Brunswick - 1,528,000
6. Mt. Vernon - 52,000
7. Waterville - 94,000

2,229,000

I will get back to shortly on the other requests listed below.

-----Original Message-----

From: Kopf.Jeff@epamail.epa.gov [mailto:Kopf.Jeff@epamail.epa.gov]

Sent: Wednesday, May 27, 2009 10:14 AM

To: Steve Hall

Subject: Downeast Energy settlement documents

Steve,

Here's the proposed settlement documents.

(See attached file: Downeast Energy CAFO (May 27 09).pdf) (See attached file: Downeast Energy Order (May 27 09).pdf)

Please print them out and have Mr. Peters sign the signature pages of each one. Please either fax (617-918-0796) or email me a pdf version of the scanned signature pages and I will obtain final EPA signatures on the documents and send you back final copies. Also, please send his original signature pages back to me at the following address:

Jeff Kopf, Senior Enforcement Counsel
US EPA Region 1
1 Congress St.
Suite 1100 (SEL)
Boston, MA 02114-2023

Tel: (617) 918-1796

Fax: (617) 918-0796

kopf.jeff@epa.gov

As I mentioned to you previously, the public notice is already up on the EPA Region 1 website. We are required to wait until 10 days after the end of the public comment period (June 25th) before we finalize the CAFO. The public notice can be viewed at:

<http://www.epa.gov/NE/enforcement/water/pdfs/2009/05-22-09-Downeast-Ener>

gy.pdf

There is one final bit of information I would appreciate if you could send me. In order to close out each case, I need to fill out a form that includes the approximate oil storage capacity of each facility listed in the Compliance Order (there are 7 of them). When you have a chance can you just email me the approximate oil storage capacity of each of those facilities listed in Attachment A to the Compliance Order?

Finally, I wanted to let you know that it is the normal practice of EPA to issue a press release upon the conclusion of any enforcement action. But that will not happen until after the CAFO is finalized, most likely some time in early July.

If you have any questions at all, do not hesitate to give me a call, or feel free to email me.

thanks,

-Jeff



Jeff Kopf/R1/USEPA/US
04/21/2009 01:35 PM

To Edie Goldman/R1/USEPA/US@EPA
cc
bcc
Subject Fw: Downeast Energy Corp. (CWA 311 SPCC case) on the horizon

Edie --

This is a follow up to the email I sent you below.

Alex and I recently met with Downeast Energy and confirmed they have similar violations at a similar # of facilities as CN Brown, Inergy, Rice Oil, and Irving Oil did. I intend on doing a pre-filing negotiation with them and getting them to enter into a pre-negotiated CAFO and compliance order on consent bringing six additional facilities (not 13 as indicated below) into compliance with the Oil Pollution Prevention regulations. I plan on having the CAFO filed and the AOC done by the end of the fiscal year.

Jeff Kopf, Senior Enforcement Counsel
US EPA Region 1
1 Congress St.
Suite 1100 (SEL)
Boston, MA 02114-2023
Tel: (617) 918-1796
Fax: (617) 918-0796
kopf.jeff@epa.gov

----- Forwarded by Jeff Kopf/R1/USEPA/US on 04/21/2009 01:30 PM -----



Jeff Kopf/R1/USEPA/US
03/03/2009 01:02 PM

To Edie Goldman/R1/USEPA/US
cc Denny Dart/R1/USEPA/US@EPA
Subject Downeast Energy Corp. (CWA 311 SPCC case) on the horizon

Edie,

This is just to let you know we have another oil company that I believe should fall in the category of doing a pre-filing negotiation for violations at 1 facility that was out of compliance with SPCC regulations and an additional AOC to bring 13 other facilities into compliance with the SPCC regulations. (like Rice Oil, Inergy, CN Brown, Irving Oil)

Downeast Energy, Brunswick, ME

Alex Sherrin, OSC, in OSRR, conducted an SPCC inspection at a Springdale, ME facility in Dec 08. We issued a 308 letter shortly thereafter, and in their response they indicated that they operated 13 additional facilities in NE and 11 of them needed further work to be in full compliance with the SPCC Regulations. We are trying to get clarification with respect to these other facilities.

I'm already assisting Alex Sherrin, OSC in OSRR in dealing with several technical/legal issues that have come up in this case.

Jeff Kopf, Senior Enforcement Counsel

US EPA Region 1
1 Congress St.
Suite 1100 (SEL)
Boston, MA 02114-2023
Tel: (617) 918-1796
Fax: (617) 918-0796
kopf.jeff@epa.gov

Alex Sherrin/R1/USEPA/US

04/16/2009 03:41 PM

To shall@downeastenergy.com

cc Jeff Kopf/R1/USEPA/US@EPA

bcc

Subject SPCC Compliance

Hi Steve,

Thanks for talking with us yesterday regarding SPCC plans and the status of DownEast Energy's facilities, in particular in Springvale, ME. We've summarized the remaining issues below.

We are uncertain of the security measures in place for the loading racks, in particular of the rack located on the east side of the ASTs. Your response dated April 10th indicated that the "unloading area" has check valves to prevent flow of product from the tank back toward the fill ports. However, your map does not indicate which is the "unloading area", but only indicates an off loading area and two loading racks. Are these check valves located on all three "loading rack/unloading areas", just two, or only one? In addition, the oil transfer pumps and starter controls are in a locked box on the side of the building. If these pumps are in the off position, are the pipes in the racks charged (i.e., connected to the ASTs so that if the pipe were broken, oil would drain out of the ASTs)? If not, then the present security would be acceptable. If the pipes are charged, then locks on the valves at the base of the ASTs to prevent such a release would be required.

Thank you for sending us the information on the "double bottom" ASTs. I called Peter Moulton, who was mentioned as a MEDEP contact on the Fact Sheet and asked him about the double bottom tank. He said the double bottom tank was never meant to have sufficient secondary containment under the SPCC rules. These tanks were meant for homesin drinking water zones. So, DownEast cannot use this tank without additional secondary containment.

We are unable to determine from the SPCC plan whether any of the ASTs are manifolded together. If any of the ASTs are manifolded together please indicate the shell capacity of the tanks manifolded together. If possible, please provide a piping diagram (or photos), so we can see both the manifolding/common piping situation and the charged-piping-past-the-tank-valve situation.

We reviewed the barriers around ASTs (i.e., the concrete blocks) and believe that the current blocks are insufficient to protect the tanks in the case of a car or truck collision. Please indicate whether you will be able to use more substantial barriers in front of those ASTs.

Please submit to us a proposal for installing berms on the east side of the facility as we discussed on the call.

Please submit to us a proposal for any fencing to be installed at the facility.

With regard to the Waterville facility, we believe that the repairs necessary to the secondary containment should be completed this year. Please submit a revised schedule for a 2009 completion.

Finally, here is a reference to the delay in the effective date of the Dec 05, 2008 SPCC regulations to January 14, 2010.

<http://www.epa.gov/emergencies/content/spcc/index.htm>

Cheers,
Alex Sherrin, OSC
US EPA Region I New England
Tel. 617-918-1252
Mob. 617-223-1368

729-9921 Stone Hill
Facilities



**DOWNEAST
ENERGY**

Good Friends For All Seasons

Sue Roberts
General Manager

09-308-019

288 River Street
Springvale, ME 04083
(207) 324-6777
or 1-888-890-0246
Fax (207) 490-1113
stroberts@downeastenergy.com

Heating Oil • Propane • Equipment Sales & Service • Building Supplies

846 Main St., Suite 3
Westbrook, Maine 04092
Telephone 207-591-7000
Facsimile 207-591-7329
info@stgermain.com



April 10, 2009

Alex Sherrin
On-Scene Coordinator
USEPA
1 Congress St., Suite 1100
Boston, MA 02114-2023

Re: Response to March 6, 2009 Letter
Downeast Energy Bulk Oil Storage Facility
Springvale, Maine
EPA Docket #09-308-019
St.Germain File No.: 2726.2

Dear Mr. Sherrin:

St.Germain & Associates, Inc. (St.Germain), on behalf of Downeast Energy, is providing you with this response to EPA's March 6, 2009 letter from Denny Dart to Richard Morrell and Sue Roberts of Downeast Energy.

Downeast Springvale

Insufficient Secondary Containment: St.Germain retained the services of a professional land surveyor to perform a topographical survey of the facility. The topography is shown on the enclosed Site Plan. As shown, any oil discharges in the vicinity of the tanks and loading/off loading areas should flow in a south and southwest direction to a containment area. The containment area has the capacity to store approximately 50,000 gallons of liquid.

Inadequate Security Measures:

As described in the SPCC Plan (Revision 1, January 2009), Downeast Energy has implemented sufficient security measures for this facility. These measures include:

1. The large bulk storage tanks are equipped with locked drain valves.
2. The 500-gallon waste oil and the 275 fuel oil tanks do not have drain valves.
3. The 275-gallon fuel oil tanks are located inside the building which is locked when the facility is unattended.
4. The 500-gallon waste oil tank is located inside a totally enclosed structure, which is locked when the facility is unattended.
5. The large bulk storage tanks are equipped with locking valves on the product piping.
6. The product piping at the bulk storage tank unloading area contains check valves that do not permit flow of product from the tank back toward the fill ports.
7. The oil transfer pumps and starter controls are located inside a small wooden shed, which is locked when the facility is unattended; power to the pump controls is controlled by switches located inside a box on the exterior wall of the office building. This box is locked when the facility is unattended. There are

emergency shut-off buttons located inside the building near dispatch that can be activated in an emergency situation.

8. Out-of-service piping is capped.
9. Four dusk-to-dawn lights are located at the facility. This lighting allows personnel to identify a significant spill and/or leak during hours of darkness, and deters vandalism. Additional switch and motion-detection lighting is located at the loading rack, off loading area and on the office building exterior wall.

Overfill Alarms:

The overfill alarms are repaired and operational. The alarms will be tested on a monthly basis.

Integrity Testing:

The tanks were cleaned on April 9th, and the testing will be completed on Monday April 13th. If requested, copies of the testing reports will be provided to EPA.

Additional Facilities

Downeast Energy has been working diligently over the past 3 months to complete improvements at their other facilities. As shown in the enclosed table, six facilities are now fully in compliance with the SPCC rules (whereas in late January, only two facilities were in complete compliance – refer to table attached to our January 30th letter to EPA). Also, other than the Waterville facility, the other six facilities will be in compliance by July 1, 2009 (previously shown as August 15, 2010).

Downeast Energy is looking forward to discussing SPCC compliance for all their facilities at the conference call scheduled for 10:00 AM on Tuesday April 14th. In the meantime, feel free to contact us at 207-591-7000 if you have any questions.

Sincerely,
ST.GERMAIN & ASSOCIATES, INC.



Scott D. Collins, P.E.
Vice President

enclosures

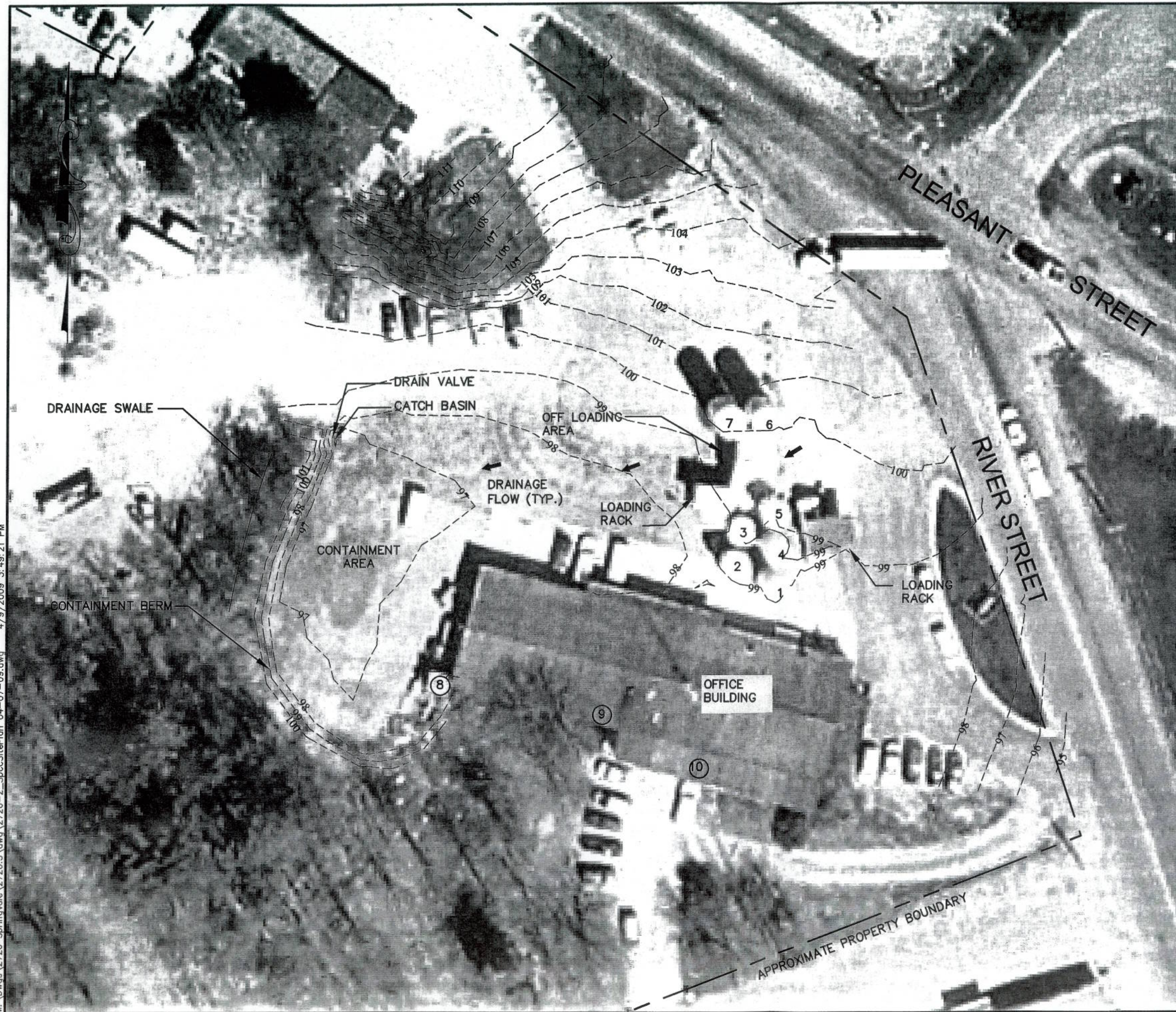
cc: Sue Roberts, Downeast Energy
Steve Hall, Downeast Energy
John Peters, Downeast Energy

Downeast Storage Facilities
All Owned/Operated by Downeast Energy
Update: 04/10/2009

	# of Emp.	SPCC Needed?	SPCC Done?	Eng'd Plan?	SPCC Plan Fully Implemented?*	Time Frame for Full Compliance	Additional Measures
Downeast Energy 4 Paul Street Brunswick, ME 04011	0	Yes	Yes	Yes	Yes	7/1/2009	1. Install overfill alarms on storage tanks. 2. Perform integrity testing on 14,000-gal tanks (tanks cleaned on April 9th, testing scheduled for April 10th).
Downeast Energy 36 Stanwood Street Brunswick, ME 04011	0	Yes	Yes	Yes	Yes	Compliant	None
Downeast Energy 8 Railroad Square Yarmouth, ME 04096	2	Yes	Yes	Yes	Yes	Compliant	None
Downeast Energy 172 Main Street S. Portland, ME 04106	15	Yes	Yes	Yes	Yes	Compliant	None
Downeast Energy 95 College Avenue Waterville, ME 04903	4	Yes	Yes	Yes	Yes	11/1/2010	1. Secondary containment for tanks and options for other improvements are being reviewed.
Downeast Energy 14 Depot Street Kennebunk, ME 04043	18	Yes	Yes	Yes	Yes	7/1/2009	1. Perform integrity testing on 150,000-gal tank (cleaning quote received). 2. Provide secondary containment for small heating oil and kerosene storage tanks.
Downeast Energy 608 Elm Street Biddeford, ME 04005	3	Yes	Yes	Yes	Yes	7/1/2009	1. Provide secondary containment for off-loading area.
Downeast Energy 134 Manchester Road Windham, ME 04062	12	Yes	Yes	Yes	Yes	6/1/2009	1. Repair secondary containment berm (waiting for asphalt batch plants to open).
Downeast Energy 63 Fourth Street Dover, NH 03824	11	Yes	Yes	Yes	Yes	Compliant	None
Downeast Energy (not-in-service) 23 Mt. Vernon Avenue Augusta, ME 04332	0	Yes	Yes	Yes	Yes	Compliant	None
Downeast Energy 283 Whitten Road Hallowell, ME 04337	13	Yes	Yes	Yes	Yes	Compliant	None
Downeast Energy 288 River Road Springvale, ME 04083	10	Yes	Yes	Yes	Yes	4/13/2009	1. Perform integrity testing on 6 storage tanks (tanks cleaned on April 9th, testing scheduled for April 13th).
Downeast Energy 1464 Pond Road Mt. Vernon, ME 04352	5	Yes	Yes	Yes	Yes	7/1/2009	1. Provide secondary containment for off-loading area and loading rack (design completed, and contract awarded).

* Fully Implemented denotes that SPCC Plan is written and is being followed, and tasks such as training, inspections and testing have been and/or are currently being conducted on a regular schedule.

M:\Dwg\2726 Springvale\2726.5\dwg\2726-2_SpecSitePlan 04-07-09.dwg 4/9/2009 3:49:21 PM



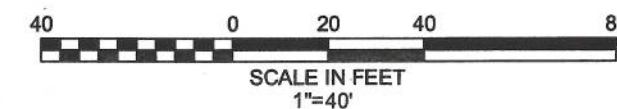
REFERENCE:
AERIAL PHOTO DATED MAY 2003 OBTAINED FROM MAINE GIS.

- (1) 30,000 GAL #2 FUEL OIL
- (2) 15,000 GAL KEROSENE
- (3) 12,000 GAL - EMPTY OUT OF SERVICE
- (4) 20,000 GAL #2 FUEL OIL
- (5) 20,000 GAL #2 FUEL OIL
- (6) 30,000 GAL #2 FUEL OIL
- (7) 30,000 GAL #2 FUEL OIL
- (8) 500 GAL WASTE OIL
- (9) 275 GAL #2 FUEL OIL
- (10) 275 GAL #2 FUEL OIL

← DIRECTION OF SURFACE WATER FLOW

NOTE:

SURFACE CONTOURS PROVIDED BY STEVE
MARTIN LAND SURVEYOR BASED ON
TOPOGRAPHY COLLECTED ON MARCH 26, 2009.



TITLE:

SITE PLAN

DOWNEAST ENERGY
288 RIVER STREET
SPRINGVALE, MAINE

PREPARED FOR:

DOWNEAST ENERGY
18 SPRING STREET
BRUNSWICK, MAINE 04011

DATE: 04/07/09

PROJECT NO.: 2726.2

SCALE: 1"=40'

FILENAME: 2726-2_SpecSitePlan 04-07-09

846 Main St., Suite 3
Westbrook, Maine 04092
Telephone 207-591-7000
Facsimile 207-591-7329
www.stgermain.com





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1
1 Congress Street, Suite 1100
BOSTON, MA 02114-2023

March 6, 2009

Richard Morrell, President
Downeast Energy Corp.
18 Spring St.
Brunswick, ME 04011-2318

Certified Mail
Return Receipt

Sue Roberts, General Manager
Downeast Energy
288 River Street
Springvale, ME 04083

RE: SPCC Compliance at Springvale, Maine Facility and other Downeast Energy
Facilities; Docket # 09-308-019

Dear Mr. Morrell and Ms. Roberts:

On December 30, 2008, EPA issued an Information Request to the Downeast Energy Corporation ("Downeast Energy") with respect to its Springvale, Maine facility's compliance with the Oil Pollution Prevention regulations found at 40 C.F.R. Part 112 ("SPCC regulations"). By letter dated January 30, 2009, EPA received a response to the Information Request from St. Germain & Associates, Inc. on behalf of Downeast Energy and has reviewed the information provided. Based on this information, EPA has concluded that your facility located at 288 River Street in Springvale, Maine (the "Facility"), has been out of compliance with the SPCC regulations since at least July 2005.

Furthermore, we have identified the following areas of continued non-compliance:

1) Insufficient Secondary Containment: The above ground storage tanks ("ASTs") and the loading/unloading area do not appear to be located within a secure secondary containment area and insufficient evidence has been provided to demonstrate that the containment is adequate to contain spills along the west and southwest boundaries.

2) Inadequate Security Measures: The July 2005 SPCC plan indicates that Downeast Energy would install fencing around the ASTs or provide equivalent security. Neither has been accomplished. The February 2009 SPCC plan claims environmentally equivalent protection based on the following security measures:

- Locks and caps on AST Drain valves, starter controls etc.; and
- Facility Lighting.

These measures are already required security measures under 40 C.F.R. § 112.7(g) and a facility may not rely on measures that are required by other sections of the SPCC regulations to provide environmentally equivalent protection. Furthermore, the 2009 SPCC Plan does not indicate why fencing cannot be achieved at the facility.

3) Failure to Repair Overfill Alarms: The July 2005 SPCC plan states that the overfill alarms will be repaired and activated. However, as of the EPA inspection conducted on December 18, 2008, these repairs had not been accomplished, and the 2009 SPCC Plan indicates they will not be done until May 15, 2009.

4) Failure to Conduct Integrity Testing: The July 2005 SPCC plan indicates that AST integrity testing would be completed within twelve months. Downeast Energy has indicated that this will not occur until June 2009.

Additional areas of non-compliance were communicated to you in the Information Request Letter and the attachments including the US EPA SPCC Field Inspection and Plan Review Checklist (Inspection date 12/18/08).

In addition, in response to the Information Request, Downeast Energy has identified 13 additional facilities subject to the SPCC Regulations. For 11 of these facilities Downeast Energy has indicated that the "Time Frame for Full Compliance" varies from facility to facility, but may be as distant as November 2010. Considering the violations observed at the Springdale facility, we are concerned with the compliance status at these additional facilities and would like to discuss these additional facilities with you further. Please contact Jeffrey Kopf, EPA's attorney in this matter, within 20 days of receipt of this letter, at (617) 918-1796 to arrange for a time when we can discuss these additional facilities, in addition to discussing the outstanding compliance issued at the Springvale facility noted above.

Finally, in light of the violations already documented by EPA with respect to the Springdale facility EPA is considering all its enforcement options, including the pursuit of civil penalties and court-ordered injunctive relief. Please be aware that failure to comply with the SPCC Regulations may subject Downeast Energy to civil penalties under Section 311(b) of the Clean Water Act, 33 U.S.C. § 1321(b), of up to \$37,500 per day of violation, at each facility which is out of compliance with the Clean Water Act.

Please contact Alex Sherrin, On-Scene Coordinator, with any technical questions related to this letter at 617-918-1251. Legal questions may be referred to Mr. Kopf at his telephone number noted above.

Sincerely,



Denny Dart, Manager
Water Technical Unit
Office of Environmental Stewardship
EPA Region 1

cc Scott Collins, P.E. Vice President, St. Germain & Associates, Inc.
Don Grant, SPCC-Spill Enforcement Coordinator, EPA Region 1
Butch Bowie, ME DEP Bureau of Remediation, Division of Technical Services
Mike Juranty, NH DES, AST & UST Program Chief, Oil, Remediation, &
Compliance Bureau

Memorandum

Date: February 24, 2009

To: DownEast Energy Sanford Maine Site File

From: Alex Sherrin, OSC, SPCC Inspector

Subj: Review of DownEast Energy's response to EPA's 308 Letter

Bullet 1) - Downeast Energy indicates that an "initial assessment" of the surface topography in the vicinity of the tanks shows that they are within the secondary containment area. They do not give an indication of what an "initial assessment" is and how they made their determination. They also provide a rough (hand drawn?) map showing the topography of the site.

Based on their initial assessment and the topography map, I am not convinced the ASTs are fully in secondary containment.

Bullet 2) - Downeast Energy removed the requirement for fencing their ASTs claiming environmentally equivalent security measures were undertaken including:

- Locks and caps on AST Drain valves, starter controls etc.; and
- Facility Lighting.

Is this adequate?

Bullet 3) - Downeast Energy states that it will repair and activate the overfill alarms by May 15, 2009.

They've been out of compliance since July 2005.

Bullet 4) - The 330-gallon heating oil AST appears to have been changed out for 2 double-wall ASTs. The new plan now reflects this change.

Although the AST was replaced, their SPCC Plan was not modified and signed by a PE to reflect this substantive change.

The letter also indicates that certified tank inspections will begin in June 2009. This may suggest they are behind in their inspections as well.



Downeast Storage Facilities
All Owned/Operated by Downeast Energy
Update: 01/15/2009

	# of Emp.	SPCC Needed?	SPCC Done?	Eng'rd Plan?	SPCC Plan Fully Implemented?	Time Frame for Full Compliance
Pleasant Street Company 4 Paul Street Brunswick, ME 04011	0	Yes	Yes	Yes	Yes	11/1/2009
Downeast Energy 36 Stanwood Street Brunswick, ME 04011	0	Yes	Yes	Yes	Yes	4/1/2009
Downeast Energy 8 Railroad Square Yarmouth, ME 04096	2	Yes	Yes	Yes	Yes	Compliant
Downeast Energy 172 Main Street S. Portland, ME 04106	15	Yes	Yes	Yes	Yes	10/1/2009
Downeast Energy 95 College Avenue Waterville, ME 04903	4	Yes	Yes	Yes	Yes	11/1/2010
Downeast Energy 14 Depot Street Kennebunk, ME 04043	18	Yes	Yes	Yes	Yes	8/15/2009
Downeast Energy 608 Elm Street Biddeford, ME 04005	3	Yes	Yes	Yes	Yes	8/15/2010
Downeast Energy 134 Manchester Road Windham, ME 04062	12	Yes	Yes	Yes	Yes	5/15/2009
Downeast Energy 63 Fourth Street Dover, NH 03824	11	Yes	Yes	Yes	Yes	8/30/2009
Downeast Energy (not-in-service) 23 Mt. Vernon Avenue Augusta, ME 04332	0	Yes	Yes	Yes	Yes	5/15/2009
Downeast Energy 283 Whitten Road Hallowell, ME 04337	13	Yes	Yes	Yes	Yes	Compliant
Downeast Energy 288 River Road Springvale, ME 04083	10	Yes	Yes	Yes	Yes	5/15/2009
Downeast Energy 1464 Pond Road Mt. Vernon, ME 04352	5	Yes	Yes	Yes	Yes	8/15/2009

Statement of Certification for Downeast Energy

(To be returned with Response to Information Request)

I declare under penalty of perjury that I am authorized to respond on behalf of Downeast Energy, I certify that the foregoing responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By Stephen H. Hall
(Signature)

Facilities Manager
(Title)

M:\Dwts\2726 - Springvale\2726 - 5 View\2726 - 5 - Surface Topography.dwg 1/29/2009 2:33:50 PM



REFERENCE:
AERIAL PHOTO DATED MAY 2003 OBTAINED FROM MAINE GIS.

—99— CONTOUR
---99--- CONTOUR (INFERRED)

NOTE:
SURFACE CONTOURS BASED ON SURFACE GRADES COLLECTED
BY ST. GERMAIN & ASSOCIATES, INC. ON JANUARY 8, 2009.



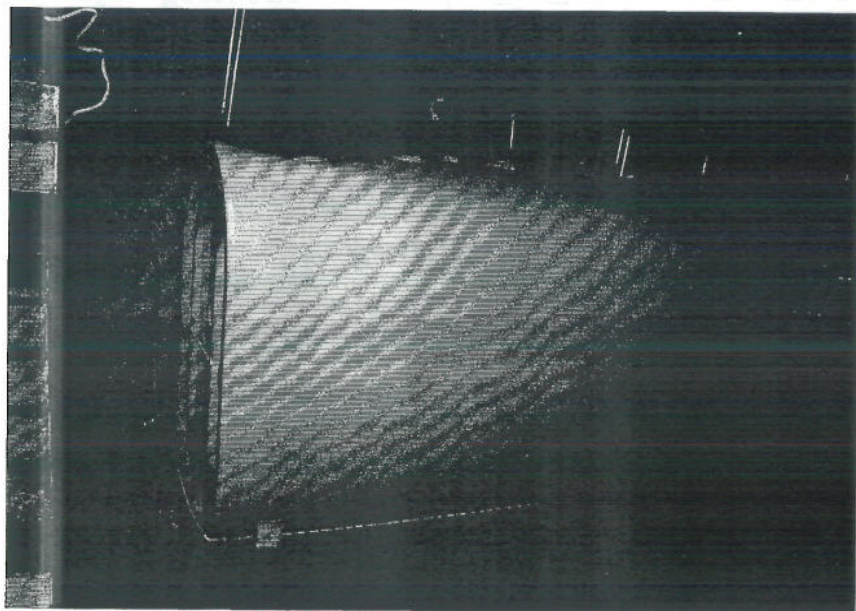
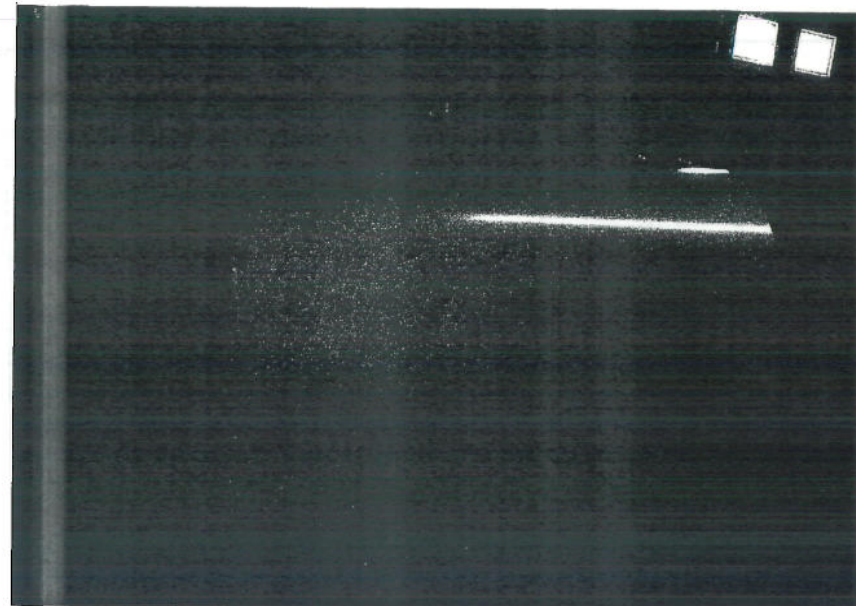
TITLE:
**SURFACE TOPOGRAPHY
PLAN**

DOWNEAST ENERGY
288 RIVER STREET
SPRINGVALE, MAINE

PREPARED FOR:
DOWNEAST ENERGY
18 SPRING STREET
BRUNSWICK, MAINE 04011

DATE: 01/08/2009 PROJECT NO.: 2726-5
SCALE: 1"=60' FILENAME: 2726-5_Surface Topography

846 Main St., Suite 3
Westbrook, Maine 04092
Telephone 207-591-7000
Facsimile 207-591-7329
www.stgermain.com



STATE of MAINE CHEMICAL INVENTORY REPORTING FORM Reporting Period: January 1 to December 31, For year <u>2003</u>		Page <u>2</u> of <u>2</u>
Section 1: Facility Data		
This report is for <input checked="" type="checkbox"/> an entire facility or <input type="checkbox"/> part of a facility		
Facility Name: <u>Mapes Downeast</u>	Emergency Contact #1 <u>Bill KNIGHTS</u> Title: <u>Heating Oil dispatcher</u>	
Location: <u>288 River Street</u> Street Address:	Telephone: <u>207 324-3324</u> Type: <input type="checkbox"/>	
City: <u>Springvale</u> State: <u>Maine</u>	Emergency Contact #2 <u>Sue Roberts</u> Title: <u>General Manager</u>	
Zip Code: <u>04083</u> County: <u>York</u>	Telephone: <u>207 324-3324</u> Type: <input type="checkbox"/>	
Mailing Address: <u>P.O. Box 704</u>	Facility Telephone: <u>207 324-3324</u>	
City: <u>Springvale</u> State: <u>Maine</u>	24 hour Telephone: <u>207 324-3324</u>	
Zip Code: <u>04083</u>	FAX: <u>207 324-9602</u>	
Owner/Operator: <u>Downeast Energy</u>	SIC Code: <u>51983</u> or NAICS	
Address: <u>P.O. Box 250</u>	Dun & Bradstreet # <u>019-7173-16961</u>	
City: <u>Brunswick</u> State: <u>Maine</u>	Latitude: <input type="checkbox"/> <input type="checkbox"/> min <input type="checkbox"/> sec	
Zip Code: <u>04011</u>	Longitude: <input type="checkbox"/> <input type="checkbox"/> min <input type="checkbox"/> sec	
Telephone: <u>207 729-9921</u> Type: <input type="checkbox"/>	Number of Employees/FTEs (see instructions): <u>23</u>	
Section 2: Chemical Identification		
if Trade Secret, check here <input type="checkbox"/> and see instructions, page 2		
Chemical Name: <u>Fuel Oil #2</u>	Pure <input checked="" type="checkbox"/> Mix <input type="checkbox"/>	Solid <input type="checkbox"/> Liquid <input checked="" type="checkbox"/> Gas <input type="checkbox"/>
if mixture, Packaged Brand Name:	MSDS Provided <input type="checkbox"/> Available: <input checked="" type="checkbox"/>	
CAS: <u>1684716-310-2</u>	RTECS #: <u>11993</u>	UN #: <u>11993</u>
DOT Hazard Class: <u>Combustible</u>	Is this an Extremely Hazardous Substance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Hazard Category: <input checked="" type="checkbox"/> Fire <input type="checkbox"/> Reactivity <input type="checkbox"/> Sudden Release of Pressure <input checked="" type="checkbox"/> Immediate (Acute) <input type="checkbox"/> Delayed (Chronic)		
Section 3: Storage Data		
if a facility map has been included, check here <input type="checkbox"/>		
Location #1		
Maximum Amount Present: <u>450,000</u> lbs	Days on Site: <u>365</u>	
Average Daily Amount in Storage: <u>225,000</u> lbs	Storage Code: <u>A-1-4</u> (see instructions, page 4)	
Maximum Capacity per Single Vessel: <u>65,000</u> lbs		
Description of Storage Location: <u>Junction of South Main Street and Springvale Road.</u>		
Location #2		
Maximum Amount Present: <input type="checkbox"/> lbs	Days on Site: <input type="checkbox"/>	
Average Daily Amount in Storage: <input type="checkbox"/> lbs	Storage Code: <input type="checkbox"/> (see instructions, page 4)	
Maximum Capacity per Single Vessel: <input type="checkbox"/> lbs		
Description of Storage Location:		

STATE of MAINE CHEMICAL INVENTORY REPORTING FORM Reporting Period: January 1 to December 31, For year <u>2003</u>		Page <u>1</u> of <u>2</u>
Section 1: Facility Data		
This report is for <input checked="" type="checkbox"/> an entire facility or <input type="checkbox"/> part of a facility		
Facility Name: <u>Mapes Downeast</u>	Emergency Contact #1 <u>Bill KNIGHTS</u> Title: <u>Heating Oil dispatcher</u>	
Location: <u>288 River Street</u> Street Address:	Telephone: <u>207 324-3324</u> Type: <input type="checkbox"/>	
City: <u>Springvale</u> State: <u>Maine</u>	Emergency Contact #2 <u>Sue Roberts</u> Title: <u>General Manager</u>	
Zip Code: <u>04083</u> County: <u>York</u>	Telephone: <u>207 324-3324</u> Type: <input type="checkbox"/>	
Mailing Address: <u>P.O. Box 704</u>	Facility Telephone: <u>207 324-3324</u>	
City: <u>Springvale</u> State: <u>Maine</u>	24 hour Telephone: <u>207 324-3324</u>	
Zip Code: <u>04083</u>	FAX: <u>207 324-9602</u>	
Owner/Operator: <u>Downeast Energy</u>	SIC Code: <u>51983</u> or NAICS	
Address: <u>P.O. Box 250</u>	Dun & Bradstreet # <u>019-7173-16961</u>	
City: <u>Brunswick</u> State: <u>Maine</u>	Latitude: <input type="checkbox"/> <input type="checkbox"/> min <input type="checkbox"/> sec	
Zip Code: <u>04011</u>	Longitude: <input type="checkbox"/> <input type="checkbox"/> min <input type="checkbox"/> sec	
Telephone: <u>207 729-9921</u> Type: <input type="checkbox"/>	Number of Employees/FTEs (see instructions): <u>23</u>	
Section 2: Chemical Identification		
if Trade Secret, check here <input type="checkbox"/> and see instructions, page 2		
Chemical Name: <u>Kerosene</u>	Pure <input checked="" type="checkbox"/> Mix <input type="checkbox"/>	Solid <input type="checkbox"/> Liquid <input checked="" type="checkbox"/> Gas <input type="checkbox"/>
if mixture, Packaged Brand Name: <u>Po</u>	MSDS Provided <input type="checkbox"/> Available: <input checked="" type="checkbox"/>	
CAS: <u>8008-1-20-6</u>	RTECS #: <u>11223</u>	UN #: <u>11223</u>
DOT Hazard Class: <u>Combustible</u>	Is this an Extremely Hazardous Substance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Hazard Category: <input checked="" type="checkbox"/> Fire <input type="checkbox"/> Reactivity <input type="checkbox"/> Sudden Release of Pressure <input checked="" type="checkbox"/> Immediate (Acute) <input type="checkbox"/> Delayed (Chronic)		
Section 3: Storage Data		
if a facility map has been included, check here <input type="checkbox"/>		
Location #1		
Maximum Amount Present: <u>1,161,800</u> lbs	Days on Site: <u>365</u>	
Average Daily Amount in Storage: <u>804,000</u> lbs	Storage Code: <u>A-1-4</u> (see instructions, page 4)	
Maximum Capacity per Single Vessel: <u>30,000</u> lbs		
Description of Storage Location: <u>Junction of South Main Street and Springvale Road</u>		
Location #2		
Maximum Amount Present: <input type="checkbox"/> lbs	Days on Site: <input type="checkbox"/>	
Average Daily Amount in Storage: <input type="checkbox"/> lbs	Storage Code: <input type="checkbox"/> (see instructions, page 4)	
Maximum Capacity per Single Vessel: <input type="checkbox"/> lbs		
Description of Storage Location:		

Day Bell - Downeast Energy

6/1/09

File to Ext'd death to August 1st to a few items -

Sent some info for Alex to all pl's to be sent back
in private

- Sent 10 or 11 days ago

~~with~~ left Alex message that Ext'd should be for -

- Forwarded CNEO + order for signature -

- set out anything -

5/18 - Did Criminal Screening of P. Canyon
He said fine

5/21/09 Steve Hall said they'd see -
will send him documents next week -

5/1/09

Steve Hall called to say they're closing down Waverly facility
to Hall (Dunbar Energy)

- Sent draft documents to Catherine Smith -

- Sent draft documents to Alex, Don & Conno -

T/18 → talked to John Peters -

- explained to him his options -

- I think he understood where we
were coming from -

said they've spent \$5 Million over past 5
yrs to get into compliance

he talked to Tim Rice

still sent Joanne F. request for core screening

617-918-2060

1

Downeast Energy

4/14/09

John Peters - 207-729-9921

Scott Collins

Mr. Morrell

Prod - operator Minger -

CV Brown

Energy Paper

Irving Oil 1/12

Pine Oil

Spec:

Replaced tanks w/ double-bottoms
MS DEP accept "double-bottoms"

look 1/4 275 or 330 -
Bugs

→ will fix information about these tanks →

- concrete pad between office building & tanks →

- Single loading rack →

Install some berm between loading rack & office building -

Get berm engineered →

- Dec. 2008 regulations were retracted -

→ New lighting →

Westerly - 2ndy contained leaking vent

- engineering & ground for down -

- water over behind office building

- 2 horizontal 20 or 27,000 gallons

20,000 of #2

29,000 of Kerosene -

2 horizontal + 2 vertical

- earth berm won down -

(2)

very small piece of land -

- How long has Downcast owned Listerville? - owned for quite a while -

- permitting process w/ Town -

- Drawings / plans →

Steve Hall -

shall@downcasteng.com

valve at base of each tank should be locked -

- physical barriers -

Did OSHA revoke Dec '08 NFPA regulation?

→ If so → citation →

If we were in agreement that they could drink from -
we need a pipe balled in front of tanks -

if they hit loading rack & hit pipe what would happen?

- send us some pictures of piping -

Combined we can hold 50,000 gallons -

we 30,000 gallon tank manifolded together?

John Peters, president
Downeast Energy Corp.
207-729-9921

called 3/19/09

left message 3/20/09

Alex's schedule

Monday AM in

Tue 1 after 3

wed until 11

Thurs out

possibly March 30th -

- at rest of week -

will get back to me on a few dates - talked to him -

"Got us a 3 + 4"

Discussed on #1, 2

3/26

John Peters wants to have call April 13th, 14th or 17th

- Set email to Alex asking about those dates -

10 am or 2 pm -

3/27 - called to confirm call on April 14th at 10 am!

617-918-2060

Questions for DownEast Energy

We are uncertain of the security measures in place for the loading racks, in particular of the rack located on the east side of the ASTs. Your response dated April 10th indicated that the "unloading area" has check valves to prevent flow of product from the tank back toward the fill ports. However, your map does not indicate which is the "unloading area", but only indicates an off loading area and two loading racks. Are these check valves located on all three "loading rack/unloading areas", just two, or only one? In addition, the oil transfer pumps and starter controls are in a locked box on the side of the building. If these pumps are in the off position, are the pipes in the racks charged (i.e., connected to the ASTs so that if the pipe were broken, oil would drain out of the ASTs)? If not, then the present security would be acceptable. If the pipes are charged, then locks on the valves at the base of the ASTs to prevent such a release would be required.

Please send us any information you have related to the "double bottom" ASTs that you described.

We are unable to determine from the SPCC plan whether any of the ASTs are manifolded together. If any of the ASTs are manifolded together please indicate the shell capacity of the tanks manifolded together. If possible, please provide a piping diagram (or photos), so we can see both the manifolding/common piping situation and the charged-piping-past-the-tank-valve situation.

We reviewed the barriers around ASTs (i.e., the concrete blocks) and believe that the current blocks are insufficient to protect the tanks in the case of a car or truck collision. Please indicate whether you will be able to utilize more substantial barriers in front of those ASTs.

Please submit to us a proposal for installing berms on the east side of the facility as we discussed on the call.

Please submit to us a proposal for any fencing to be installed at the facility.

Finally, here is a reference to the delay in the effective date of the Dec 05, 2008 SPCC regulations to January 14, 2010.

<http://www.epa.gov/emergencies/content/spcc/index.htm>



June 1, 2009

Jeff Kopf
Senior Enforcement Counsel
US EPA Region 1
1 Congress St.
Suite 1100 (SEL)
Boston, MA 02114-2023

Dear Mr. Kopf;

Please find enclosed the two signature pages, with original signatures for:

1. Consent Agreement and Final Order
2. Administrative Order on Consent

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Hall", is written over the printed name.

Steve Hall
Facilities-Fleet Manager

**DOWNEAST ENERGY
& BUILDING SUPPLY***Good Friends For All Seasons*18 SPRING ST. PO BOX 250
BRUNSWICK, ME 04011-0250

****FACSIMILE TRANSMISSION COVER SHEET****

TO: **JEFF KOFF**

ATTENTION:

NUMBER OF PAGES (INC. COVER SHEET) **2**PERSON SENDING TRANSMISSION: **STEVE HALL**IF YOU HAVE ANY PROBLEMS OR QUESTIONS REGARDING THIS
TRANSMISSION, PLEASE CALL

207-729-9924

FAX# 207-725-4333

This message is intended only for the use of the individual or entity to which it is addressed. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by phone.



June 1, 2009

Alex Sherrin, On-Scene Coordinator
U.S. Environmental Protection Agency-Region 1
1 Congress Street
Suite 1100 (Mail Code HBR)
Boston, MA 02114-2023

And

Jeffrey Kopf
Senior Enforcement Counsel
U.S. Environmental Protection Agency - Region 1
1 Congress St.
Suite 1100 (Mail Code SEL)
Boston, MA 02114-2023

Dear Alex and Jeff:

As outlined in Section V. Modifications, in the Administrative Order of Consent, I have two modifications that I would like to request as follows:

1. Springvale, ME site – because EPA is reviewing recent proposals to comply with fencing and secondary containment requirements I would ask that the compliance deadline be extended to August 1, 2009. As it stands right now there is not enough time left to hire contractors to do the work before July 01, 2009.
2. Biddeford, ME site – because we are in the process of designing the secondary containment of the transport unit, I would request that compliance deadline be extended to August 1, 2009. My plan is to close down the facility at the end of June 2009 and deliver no further product to it until the secondary tanker containment is in place and set to be used. Presently, all products are stored in four tanks inside a containment dike and do not present any threat to the environment. If we stop deliveries to these tanks at the end of June, then the threat of any spill escaping to the environment is minimal.

Thank you for your consideration.

Sincerely

Steve Hall
Fleet and Facilities Manager